

ROBBERY 3RD PROPOSAL

* Proposed changes are indicated in **bold**.

711.3. All robbery which is not robbery in the first degree **or robbery in the third degree** is robbery in the second degree. Robbery in the second degree is a class "C" felony.

711.3A. A person commits robbery in the third degree when the person commits a robbery and all of the following apply:

- 1. The theft involved would constitute Theft in the Fifth Degree under Iowa Code section 714.2(5),**
- 2. The assault involved would constitute simple misdemeanor assault as defined under Iowa Code sections 708.1(1) and (2) and 708.2(6),**
- 3. No bodily or serious injury results, and,**
- 4. No dangerous weapon is used or displayed.**

Robbery in the Third Degree is an aggravated misdemeanor.

LEGISLATIVE AGENDA ITEM SUMMARY

Summary of legislative item:

This proposal would define the new aggravated misdemeanor crime of third-degree robbery in situations where the theft involved would be defined as theft fifth, the assault involved would be simple assault, no injury occurs, and no weapon is involved.

Reason for proposal:

This proposal would create a new charging alternative allowing middle ground between a felony and simple misdemeanor in situations where non-serious assault is coupled with a low-value theft (ie, shoplifting + pushing past a clerk).

How does the proposal change the law:

Creates a new charging alternative under specifically-defined conditions.

Parties in favor of proposal:

Both prosecution and defense attorneys involved with the section council have expressed support for the proposal.

Parties opposed to proposal:

None known.